



December 19, 2005

**EX PARTE**  
**MM Docket No. 99-360**

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Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Ms. Dortch,

On December 16, 2005, the Benton Foundation, represented by Charles Benton, Chair and CEO, and Jim Kohlenberger, Senior Fellow, met with Commissioner Copps and Jordan Goldstein, Senior Legal Advisor, to discuss the proceedings of the FCC's Consumer Advisory Committee and specifically the CAC's recommendation on the public interest obligations of digital broadcasters.

The following documents were shared with the meeting participants:

1. Revised CAC DTV Recommendation (a draft is attached as reviseddtvrecommendation.doc)
2. Jim Goodman's CAC handout (attached as PIO Proposal 072405.doc)
3. Press coverage of the CAC meeting:
  - a) ADVISORY PANEL PROPOSES PUBLIC-INTEREST TV PROGRAMMING (see below)
  - b) FCC Committee Recommends DTV Obligations  
<http://www.broadcastingcable.com/article/CA6285441?display=Breaking+News&referral=SUPP>
  - c) FCC Consumer Group Weighs DTV Obligations  
<http://www.broadcastingcable.com/article/CA6284889?display=Breaking+News&referral=SUPP>
4. Letters of support
  - a) Rep Diane Watson (111605lettersupportPIO21.pdf)
  - b) Gloria Tristani (CAC.doc)
  - c) US Catholic Bishops (cmts-dtv.doc)
  - d) Hawaii Consumers (hawaiiconsumers.doc)

5. Benton's Citizen's Guide to PIOs at <http://www.benton.org/pioguide/index.html>

6. The CAC Nov 18 agenda (page 3 and 4 at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-262198A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-262198A1.doc))

We believe this discussion is also relevant to the following docket: Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations (MM 20 Docket No. 00-168).

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Menichelli". The script is cursive and fluid.

Karen Menichelli  
Executive Vice President

Digital Television  
Advisory Panel Proposes Public-Interest TV Programming  
by Drew Clark

An FCC-chartered consumer advisory committee on Friday recommended that the agency act within six months to require broadcasters to satisfy specific public-interest obligations for digital television.

The call for action was made by Charles Benton, a philanthropist and member of the committee, after a speech in support of the idea by James Goodman, the CEO of Capitol Broadcasting in Raleigh, N.C. Goodman, a member of the National Association of Broadcasters, has endorsed public-interest requirements for digital broadcasters since at least 1998.

Of the some 40 members of the commission present, only one voted no: Ann Bobeck, an attorney representing NAB. Three other members abstained.

Over the summer, Benton had been in discussions with NAB chief Eddie Fritts about defining public-interest obligations as a way to bolster broadcasters' case for "must carry" requirements on cable systems. Those discussions failed.

Benton's resolution called for the commission to take action on two proceedings pending since 1999 and 2000.

Goodman said the FCC should require broadcasters to air a minimum of three hours a week of public or electoral affairs on all television broadcast channels, both their primary, most-watched signals and their secondary, digital multicast streams.

"The commission has had a proposed rulemaking on this for six years that they haven't acted on as part of the discussion about minimum public-interest standards," Goodman said. He said FCC staff "have completed it but haven't released it. They have worked on it but haven't gotten to the point where they would release it."

Goodman's recommendation was made in three-page proposal, dated July 2005, that he released at the time of speech. The proposal would require two of the three hours before elections to be devoted to local and electoral programming, defined as "candidate-centered discourse focusing on the local, state and United States congressional races."

The idea, Goodman said, is that for the 30 days before a primary, and the 60 days before a general election, "local public

affairs [programming] should be turned over to the candidates for them to talk about" the campaigns' issues. "That is the minimum notion of the covenant relationship that we make with the government for being able to operate the station" on public radio-frequency spectrum.

After Goodmon spoke, Benton led the committee to vote on the recommendation. As originally drafted, it said, "Within six months of receiving this recommendation ... the commission should issue reports and orders" on the public-interest regulations.

After a motion from Shirley Rooker, chair of the committee, the word "should" was deleted, and the committee instead made a "recommendation" for FCC action. Although some committee members voiced concern that six months was too short a timeframe, Benton and Goodmon disagreed and urged six months.

Bobeck had no comment on NAB's lone dissent; a NAB spokesman said in an e-mail that the lobby would not comment. Benton said his recommendation prompted NAB to resign from an arm of the advisory committee.